REMARKS

Claims 32-55 are pending in the application. Claims 32-55 have been rejected under 35 U.S.C. §102(b) as being deemed anticipated by Beshai et al. (U.S. Patent No. 6,721,271). Claims 44-47 have been rejected under 35 U.S.C. §103(a) as being deemed unpatentable over Beshai et al. (U.S. Patent No. 6,721,271) in view of Mauger (U.S. Patent No. 6,917,586). Of the Claims, Claims 32, 40, 44, and 48 are independent. Claims have been amended to clarify the applicants' invention. The application as amended and argued herein, is believed to overcome the rejections.

Regarding rejections under 35 U.S.C. §102(b)

Claims 32-55 have been rejected under 35 U.S.C. §102(b) as being deemed anticipated over Beshai et al. (U.S. Patent No. 6,721,271). Applicants respectfully submit that the rejection under 35 U.S.C. §102(b) is in error. Beshai et al. was not patented more than one year prior to the date of application for patent for the subject application in the United States. In contrast, Beshai et al. was patented (April 13, 2004) more than three years after the date of application (May 23, 2000) for patent for the subject application in the United States.

Even if Beshai was to be considered prior art, Beshai does not teach or suggest at least, "if an amount of data located in a first memory buffer does not exceed a maximum transfer capacity of a system in which the data is to be transferred in a single transfer operation to a remote memory buffer", as required by, for example, claim 32 of the subject application.

Beshai discusses a 3-stage switch which directs variable-sized packets received on a plurality of ingress modules through a switch core to one of a plurality of egress modules. The variable-sized packets are divided in the ingress modules into packet segments of equal size and reconstructed before egress from the switch. Each packet segment is appended to a header that contains a label which identifies the ingress module. Packet segments having a common egress module may be aggregated into parcels of a predetermined capacity.

In contrast to the applicants' claimed invention, Beshai is merely directed to managing packet throughput within a 3-stage switch, by dividing packets into predetermined equal size segments and aggregating packet segments for a same egress module. There is no teaching or

suggestion of "if an amount of data located in a first memory buffer does not exceed a maximum transfer capacity of a system in which the data is to be transferred in a single transfer operation to a remote memory buffer". In contrast, data transferred within the switch from ingress modules to egress modules is based on packet segments of equal size. There is no suggestion of "a single transfer operation to a remote buffer". *(See,* Beshai, for example, Fig. 1, column 8, line 32 – column 9, line 9.)

Claims 33-39 are dependent claims that depend directly or indirectly on claim 32 which has already been shown to be patentably distinguished over the cited art.

Independent claims 40, 44 and 48 recite a like distinction and are thus patentably distinguished over the cited art. Claims 41-43 depend directly or indirectly on claim 40, claims 45-47 depend directly or indirectly on claim 44 and claims 49-55 depend directly or indirectly on claim 48 and are thus patentably distinguished over the cited references.

Although the Office indicates that Claims 44-47 are anticipated by Beshai et al, the Office does not point out specifically how Beshai anticipates these claims.

Regarding rejections under 35 U.S.C. §103(a)

Claims 44-47 have been rejected under 35 U.S.C. §103(a) as being deemed unpatentable over Beshai et al. (U.S. Patent No. 6,721,271) in view of Mauger (U.S. Patent No. 6,917,586).

To establish a prima facie case for obviousness under 35 U.S.C. 103(a), (1) there must be some suggestion or motivation to combine reference teachings; (2) there must be a reasonable expectation of success; (3) the references when combined must teach or suggest all the claim limitations. For the reasons discussed below, it is respectfully submitted that the Office has not established a prima facie case under 35 U.S.C. 103(a) for claims 44-47 and that therefore, claims 44-47 are allowable.

The references when combined do not teach or suggest all the claim limitations.

Mauger has been cited for its teaching of "a host fabric adaptor".

Beshai does not teach or suggest at least "determine if an amount of data located in a first memory buffer exceeds a maximum transfer capacity of a system in which the data is to be transferred in a single transfer operation to a remote memory buffer" as claimed by the applicants in claim 44. In contrast, Beshai merely discusses local packet segment transfers within the switch. There is no discussion of a transfer "to a remote memory buffer".

Therefore, separately or in combination, Beshai and Mauger do not teach or suggest the applicants' claimed invention. Even if combined, the present invention as now claimed does not result as argued above.

Thus, applicants respectfully request that the rejection of claims 44-47 over Beshai et al. in view of Mauger be withdrawn.

Accordingly, the present invention as now claimed is patentably distinguished from the cited references. Removal of the rejections under 35 U.S.C. § 103(a) and 35 U.S.C. § 102(b) and acceptance of claims 32-55 is respectfully requested.

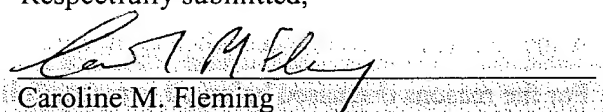
CONCLUSION

In view of the foregoing, it is submitted that all claims (claims 32-55) are in condition of allowance. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Should an extension of time be necessary to respond to the outstanding Office Action, applicants respectfully petition for an extension of time pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 50-0221 to cover the fee for the extension.

Respectfully submitted,

Date: 5/19/06



Caroline M. Fleming
Reg. No. 45,566
Telephone No. (978) 553-7371